

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUTO INDUSTRIES SUPPLIER
EMPLOYEE STOCK OWNERSHIP
PLAN (ESOP),

Plaintiff,

v.

Case No. 03-74357

SNAPP SYSTEMS, INC.,

HONORABLE AVERN COHN

Defendant/Third-Party Plaintiff,

v.

FORD MOTOR COMPANY, SUSAN E.
KOBET, DIANE SENDEK MARCHESE,
CARMEN ZIRLES, and JEFFREY D.
COLLINS,

Third-Party Defendants.

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APPOINTMENT AND ORDER OF REFERENCE TO SPECIAL MASTERS

This is a complex case. The parties have stipulated to the appointment of special masters to report and recommend to the Court the disposition of the motions described in the Stipulation Re: Appointment of Special Master (Stipulation), attached as Exhibit A.

Under Fed. R. Civ. P. 53, the Court may appoint a special master to, inter alia, “perform duties consented to by the parties,” FED. R. CIV. P. 53(a)(1)(A), and to “address pretrial . . . matters that cannot be addressed effectively and timely by an available district judge or magistrate judge of the district.” FED. R. CIV. P. 53(a)(1)(C).

Accordingly, it is ordered that:

1. (a) The motions described in paragraph 3(a) of the Stipulation are referred to Stephen Calkins, to report and recommend in writing to the Court their proper disposition.
- (b) The motions described in paragraph 3(b) of the Stipulation are referred to Bryan H. Levy, to report and recommend in writing to the Court their proper disposition.
2. Each special master shall confer with the parties to arrange a schedule for briefing and other matters, including oral argument.
3. Copies of papers filed with each special master also shall be filed simultaneously with the Clerk of the Court and served pursuant to applicable federal rules. A copy shall be simultaneously sent to the Court. Forwarding letters or informal communications need not be filed.
4. Each special master may conduct hearings and meetings in Detroit or other places at locations to be agreed upon by the parties and each special master, and, if desired, in a room in the Federal Courthouse in Detroit, if available.
5. Each special master shall have the right to communicate ex parte with the parties and with the Court.
6. Each special master shall complete his work and issue his reports and recommendations within 120 days, unless, on application to the Court, such time is extended.

7. (a) Any petition for review by the Court of the recommendations of each special master shall be submitted in writing within ten (10) days of receipt of the special master's report.
- (b) Review of the report and recommendations of the references under ¶ 1(a) of this order shall be de novo.
- (c) Review of the report and recommendations of the references under ¶ 1(b) of this order shall be under a clearly erroneous or contrary to law standard.
- (d) Each special master may file his reports and recommendations serially.

8. Each special master may use law clerks or paralegals at his discretion and shall keep detailed records of time and expenses. Each special master shall render detailed monthly bills for fees and expenses at the same rates ordinarily charged clients for services, and such bills shall be paid promptly as follows: fifty percent (50%) by the third-party plaintiff and fifty percent (50%) by the third-party defendants. The monthly bills shall be submitted directly to counsel for these parties who shall take responsibility for prompt payment by their respective clients.
9. Objections, if any, to this order shall be filed within seven (7) days.

SO ORDERED.

Dated: January 27, 2006

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE